

EXHIBIT 1

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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AMBASSADOR MARC GINSBERG AND THE
COALITION FOR A SAFER WEB,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

CASE NO.: 5:21-CV-00570

FIRST AMENDED
COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

1 NOW COME PLAINTIFFS AMBASSADOR MARC GINSBERG AND THE COALITION
2 FOR A SAFER WEB BY, AND THROUGH THEIR ATTORNEYS KEITH ALTMAN OF
3 ~~LENTO~~THE LAW ~~GROUP~~OFFICE OF KEITH ALTMAN, STATE AS FOLLOWS:

4 INTRODUCTION

5 1. This is a lawsuit seeking damages and injunctive relief against Defendant Google,
6 ~~the~~ LLC. for allowing Telegram to be made available through Google's Google Play Store, despite
7 Google's knowledge that Telegram is being used to intimidate, threaten, and coerce members of
8 the public.

9 2. Google has clearly defined policies and guidelines prohibiting applications such as
10 Telegram from being used in such a manner yet chooses not to enforce those policies and
11 guidelines.

12 3. As a result, consumers, like Plaintiff Ambassador Marc Ginsberg, a member of one
13 of the groups targeted by Telegram's users, have suffered economic losses in addition to emotional
14 distress.

15 PARTIES

16 4. Plaintiff Ambassador Marc Ginsberg ("Ambassador Ginsberg") is a citizen of the
17 State of Maryland and is the owner of a Samsung Galaxy Express, which he obtained for personal
18 and professional use on May 5, 2013. As part of his purchase of the Samsung Galaxy Express,
19 Ambassador Ginsberg knew that Google,~~the~~ LLC., had an Application Store known as the Google
20 Play Store where various third-party application developers could make their applications
21 available to users. Ambassador Ginsberg further knew that Google had terms of service and
22 policies related to the use of the applications available through the Google Play Store. Ambassador
23 Ginsberg relied on Google to comply with its policies and terms of service when deciding to
24 purchase his Samsung Galaxy Express.

25 5. Ambassador Ginsberg has had a career that has placed him in the public spotlight
26 numerous times through his work as a White House liaison for the Secretary of State, as a Deputy
27 Senior Advisor to the President for Middle East Policy, as a United States Ambassador to Morocco,
28 and for his numerous appearances in U.S. and global publications and news shows.

1 6. Ambassador Ginsberg was raised in Israel and has addressed Jewish groups in the
2 United States and throughout the Arab world on the importance of Judaism and Israel. Ambassador
3 Ginsberg has been a member of and involved with the Beth El synagogue in Bethesda, Maryland
4 for decades and other synagogues in Montgomery County, Maryland.

5 7. As the first Jewish ambassador to an Arab country from the U.S., Ambassador
6 Ginsberg has been subjected to two assassination attempts due to his religious beliefs held as a
7 United States Ambassador.

8 8. Ambassador Ginsberg created the Coalition for a Safer Web to compel social media
9 platforms to end their tolerance of anti-Semitism and their enabling of extremist groups to operate
10 with impunity over social media.

11 9. Plaintiff Coalition for a Safer Web (“CSW”) is a 501(c)(3) organization
12 with its principal place of business located in Washington, D.C. CSW employs Ambassador
13 Ginsberg and reimburses him for his professional use of his Samsung Galaxy Express. At this
14 time, these costs are being accrued by CSW, and Ambassador Ginsberg must use his own money
15 to pay the bill while he awaits reimbursement. CSW has an obligation to pay these accrued costs
16 when funds become available and exist as a liability of the company.

17 10. Defendant Google, ~~Inc~~ LLC. (“Google”) is a California corporation headquartered
18 in Mountain View, California, and has its principal place of business in California. At all times
19 relevant to this action, Defendant Google was directly engaged, and is currently engaged, with the
20 marketing, promotion, management, and distribution of apps in their Google Play Store and the
21 business of marketing, promoting, distributing, and selling smartphones and computers within
22 California and across the United States. Defendant Google did so with the reasonable expectation
23 that their products and apps would be used across the United States.

24 **JURISDICTION AND VENUE**

25 11. Defendant Google is a California corporation, headquartered in Mountain View,
26 California, and has its principal place of business in California.

27 12. At all times relevant to this action, Defendant Google was directly engaged, and is
28 currently engaged, with the marketing, promotion, management, and distribution of applications

1 on the Google Play Store and the business of marketing, promoting, distributing, and selling
2 products such as Android smartphones, tablets, smartwatches, and computers within California
3 and across the United States with the reasonable expectation that their products and apps would be
4 used across in the United States.

5 13. Plaintiff Marc Ginsberg (“Ambassador Ginsberg”) is a citizen of the state of
6 Maryland and is the owner of a Samsung Android smartphone, which he obtained for personal and
7 professional use. As a consequence of purchasing the Samsung Android Phone, Ambassador
8 Ginsberg and Google entering into an agreement concerning the terms of use of the Android
9 operating system on the phone. Ambassador Ginsberg has suffered damages through his purchase
10 of his Samsung and is suffering from negligent infliction of emotional distress in an amount that
11 exceeds \$75,000. Furthermore, Ambassador Ginsberg seeks to enjoin Google from allowing
12 Telegram to be available in the Google Play Store in violation of Google’s policies and terms of
13 service.

14 14. Plaintiff Coalition for a Safer Web (“CSW”) is a 501(c)(3) organization with its
15 principal place of business in Washington, D.C., and is responsible for reimbursing Ambassador
16 Ginsberg for his use of his Samsung for business use. At this time, these costs are being accrued
17 by CSW, and Ambassador Ginsberg must use his own money to pay the bill while he awaits
18 reimbursement. CSW has an obligation to pay these accrued costs when funds become available
19 and exist as a liability of the company.

20 15. Jurisdiction in federal court is proper pursuant to 28 U.S.C. § 1332 as Plaintiffs
21 Ambassador Ginsberg and CSW are citizens of different states as Defendant Google and the
22 amount in controversy exceeds \$75,000.

23 16. This Court has supplemental jurisdiction over Plaintiffs’ state law claims pursuant
24 to 28 U.S.C. § 1367.

25 17. Venue is proper in the Northern District of California pursuant to 28 U.S.C. § 1391
26 as Defendant may be found in or transacts business in this district and a substantial part of the
27 events giving rise to Plaintiffs’ claims occurred and continue to occur in this district.

FACTS CONCERNING DEFENDANT GOOGLE, ~~INC~~ LLC.

18. On July 11, 2005, Google purchased Android, an operating system for smartphones.¹

19. On March 6, 2012, Google launched the Google Play Store, available on all Android devices, including Ambassador Ginsberg's device.²

20. In 2019, Google sold an estimated 7.2 million smartphones.³

21. It is estimated that, as of 2020, there are 127.8 million Android smartphone users in the United States, and that number has increased to 130.6 million in 2021.⁴

22. Since 2015, Samsung smartphones, which are supported by the Android operating system and offer the Google Play Store, have been priced anywhere from \$399+ to \$1999+.⁵

23. In 2019, Google sold 17 million Google Chromebooks globally, which was estimated to have increased to 20 million in 2020.⁶

24. Google Chromebooks are priced anywhere from \$200+ to \$649+.⁷

25. One of the principal reasons why consumers such as Ambassador Ginsberg purchase Google products is because of the Google Play Store and the apps contained therein.

26. Google has established terms of use and development guidelines for the use of ~~their~~its products and the Google Play Store. Consumers, such as Ambassador Ginsberg, are

¹ Google's Acquisition of Android: <https://www.androidauthority.com/google-android-acquisition-884194/>

² History of Google Play Store: <https://www.androidauthority.com/android-market-google-play-history-754989/>

³ Google Sales: <https://arstechnica.com/gadgets/2020/06/idc-google-outsells-oneplus-with-7-2-million-pixel-smartphones-in-2019/>

⁴ Android Smartphone Users: <https://www.statista.com/statistics/232786/forecast-of-android-users-in-the-us/>

⁵ Samsung Prices: <https://www.androidauthority.com/samsung-galaxy-s-prices-1192063/>

⁶ ChromeBook Sales: <https://www.statista.com/statistics/749890/worldwide-chromebook-unit-shipments/>

⁷ ChromeBook Prices: <https://www.laptopmag.com/articles/chromebook-buying-advice>

1 expected to comply with the terms of service and guidelines. Furthermore, as part of their purchase
 2 and use of Google products, consumers such as Ambassador Ginsberg are entitled to reasonably
 3 rely on Google to comply with its own policies and guidelines.

4 27. In particular, Google requires that applications such as Telegram must go through
 5 a review process and comply with specific guidelines before becoming available on the Google
 6 Play Store. Google publishes these review guidelines.⁸ See Exhibit “A.”

7 28. Specifically, concerning the Telegram application, Google has allowed Telegram
 8 to be distributed through the Google Play Store knowing that Telegram (1) does not comply with
 9 Google’s developer guidelines and (2) that Telegram is routinely used to violate California’s hate
 10 speech law, California Penal Code § 422.6.

11 **FACTS CONCERNING TELEGRAM**

12 29. Telegram was founded by CEO Pavel Durov and is currently based in Dubai after
 13 leaving Russia, Berlin, London, and Singapore due to local IT regulations.⁹

14 30. Defendant Google allows the Telegram Messenger app access to its App Store. On
 15 Defendant Google’s Google Play Store, the Telegram Messenger app has 6,899,400 total reviews
 16 with an average 4.5-star average rating.¹⁰

17 31. Defendant Google allows the Telegram Messenger app to be downloaded for
 18 smartphones and Chromebooks.¹¹

21
 22 ⁸ Google Developer Program Policy: https://support.google.com/googleplay/android-developer/answer/10355942?hl=en&visit_id=637470329267552178-2461642293&rd=1

23 ⁹ About Telegram: <https://www.rbth.com/science-and-tech/333299-all-you-need-to-know-about-telegram>

24
 25 ¹⁰ Telegram Google Play Preview:

26 https://play.google.com/store/apps/details?id=org.telegram.messenger&hl=en_US&gl=US

27 https://play.google.com/store/apps/details?id=org.telegram.messenger&hl=en_US&gl=US

28 ¹¹ Id. [Reviews]

32. As of May 2020, the Telegram Messenger app has been downloaded on the Google Play Store an estimated 500 million times worldwide.¹² On Defendant **Google's Google Play Store** Preview, the Telegram Messenger app is advertised as follows:

- Pure instant messaging — simple, fast, secure, and synced across all your devices. Over 400 million active users.
- FAST: Telegram is the fastest messaging app on the market, connecting people via a unique, distributed network of data centers around the globe.
- SYNCED: You can access your messages from all your devices at once. Start typing on your phone and finish the message from your tablet or laptop. Never lose your data again.
- UNLIMITED: You can send media and files, without any limits on their type and size. Your entire chat history will require no disk space on your device, and will be securely stored in the Telegram cloud for as long as you need it.
- SECURE: We made it our mission to provide the best security combined with ease of use. Everything on Telegram, including chats, groups, media, etc. is encrypted using a combination of 256-bit symmetric AES encryption, 2048-bit RSA encryption, and Diffie–Hellman secure key exchange.
- POWERFUL: You can create group chats for up to 200,000 members, share large videos, documents of any type (.DOCX, .MP3, .ZIP, etc.), and even set up bots for specific tasks. It's the perfect tool for hosting online communities and coordinating teamwork.
- RELIABLE: Built to deliver your messages in the minimum bytes possible, Telegram is the most reliable messaging system ever made. It works even on the weakest mobile connections.
- FUN: Telegram has powerful photo and video editing tools and an open sticker/GIF platform to cater to all your expressive needs.
- SIMPLE: While providing an unprecedented array of features, we are taking great care to keep the interface clean. With its minimalist design, Telegram is lean and easy to use.
- 100% FREE & NO ADS: Telegram is free and will always be free. We are not going to sell ads or introduce subscription fees.
- PRIVATE: We take your privacy seriously and will never give third parties access to your data. For those interested in maximum privacy, Telegram offers Secret Chats. Secret Chat messages can be programmed to self-destruct automatically from both participating devices. This way you can send all types of disappearing content — messages, photos, videos, and even files. Secret Chats use end-to-end encryption to ensure that a message can only be read by its intended recipient.
- We keep expanding the boundaries of what you can do with a messaging app. Don't wait years for older messengers to catch up with Telegram — join the revolution today.¹³

¹² About Telegram: <https://www.rbth.com/science-and-tech/333299-all-you-need-to-know-about-telegram>

¹³ Google Play Store Preview:

https://play.google.com/store/apps/details?id=org.telegram.messenger&hl=en_US&gl=US

1 33. According to Telegram’s website, “Telegram is a cloud-based mobile and desktop
2 messaging app with a focus on security and speed.”¹⁴ Further, as per their website, Telegram claims
3 to:

- 4 • Be “so simple you already know how to use it.”
- 5 • Have messages that are heavily encrypted that “can self-destruct.”
- 6 • Allow users to access chats from multiple devices.
- 7 • Deliver messages “faster than any other application.”
- 8 • Have no limits on the size of user’s media and chats.
- 9 • Keep messages safe from “hacker attacks.”
- 10 • Allow groups that can hold up to 200,000 members.¹⁵

11 34. In addition to creating groups for up to 200,000 people, Telegram allows users to
12 create channels to broadcast to unlimited audiences.¹⁶

13 35. Telegram claims to be “for everyone who wants fast and reliable messaging and
14 calls” and allows users to create “[p]ublic groups [that] can be joined by anyone and are powerful
15 platforms for discussions and collecting feedback.”¹⁷

16 36. Telegram allows users to “share an unlimited number of photos, videos and files
17 (doc, zip, mp3, etc.) of up to 2 GB each.”¹⁸

18 37. Telegram draws many users who use their devices and Telegram’s services to
19 promote and/or engage in illegal activity. In fact, Telegram’s FAQ includes the following
20 language:

21 Q: There’s illegal content on Telegram. How do I take it down?

22 A: All Telegram chats and group chats are private amongst their participants.
23 We do not process any requests related to them.¹⁹

24 ¹⁴ Telegram Website: [Telegram.org](https://telegram.org)

25 ¹⁵ Id. [telegram home]

26 ¹⁶ Id. [FAQs]

27 ¹⁷ Id. [FAQs]

28 ¹⁸ Id. [FAQs]

¹⁹ Id. [FAQs]

1 38. Additionally, in response to the question “[w]hat are your thoughts on internet
2 privacy?” Telegram’s FAQ states, in pertinent part:

- 3 • At Telegram we think that the two most important components of Internet privacy
4 should be instead:
5 ○ Protecting your private conversations from snooping third parties, such as officials,
6 employers, etc.
7 ○ Protecting your personal data from third parties, such as marketers, advertisers, etc.
8 • This is what everybody should care about, and these are some of our top priorities.
9 Telegram’s aim is to create a truly free messenger, without the usual caveats.²⁰

10 39. Telegram FAQs claims the following in response to a question regarding
11 third-party takedown requests:

12 “Our mission is to provide a secure means of communication that works everywhere
13 on the planet. To do this in the places where it is most needed (and to continue
14 distributing Telegram through the App Store and Google Play), we have to process
15 legitimate requests to take down illegal *public* content (e.g., sticker sets, bots, and
16 channels) within the app. For example, we can take down sticker sets that violate
17 intellectual property rights or porn bots.” (emphasis added)

18 “Please note that this does not apply to local restrictions on freedom of speech. For
19 example, if criticizing the government is illegal in some country, Telegram won’t be
20 a part of such politically motivated censorship. This goes against our founders’
21 principles. While we do block terrorist (e.g. ISIS-related) *bots and channels*, we will
22 not block anybody who peacefully expresses alternative opinions.”²¹ (emphasis
23 added)

24 40. While the above information applies to public channels, such information does not
25 apply to private groups containing upwards of 200,000 individuals. As for this data, Telegram
26 provides the following information:

- 27 • Secret chats use end-to-end encryption, thanks to which we don’t have any data to
28 disclose.
29 • To protect the data that is not covered by end-to-end encryption, Telegram uses a
30 distributed infrastructure. Cloud chat data is stored in multiple data centers around the
31 globe that are controlled by different legal entities spread across different jurisdictions.
32 The relevant decryption keys are split into parts and are never kept in the same place
33 as the data they protect. As a result, several court orders from different jurisdictions are
34 required to force us to give up any data.
35 • Thanks to this structure, we can ensure that no single government or block of like-
36 minded countries can intrude on people’s privacy and freedom of expression. Telegram
37 can be forced to give up data only if an issue is grave and universal enough to pass the
38 scrutiny of several different legal systems around the world.
39 • To this day, we have disclosed 0 bytes of user data to third parties, including
40 governments.

21 ²⁰ Id. [FAQs]

22 ²¹ Id. [FAQs]

- Telegram groups are ideal for sharing stuff with friends and family or collaboration in small teams. But groups can also grow very large and support communities of up to 200,000 members. You can make any group public, toggle persistent history to control whether or not new members have access to earlier messages and appoint administrators with granular privileges. You can also pin important messages to the top of the screen so that all members can see them, including those who have just joined.
- Channels are a tool for broadcasting messages to large audiences. In fact, a channel can have an unlimited number of subscribers.²²

41. Since its launch in 2013, Telegram has been ridiculed for facilitating voices of violence and extremism.

42. Most recently, in the wake of George Floyd's killing, Telegram has played an essential role in threatening, encouraging, and coordinating racist and anti-Semitic violence.

43. CSW issued several press releases bringing the real and imminent dangers of Telegram to the attention of Google.

44. On June 3, 2020, CSW issued a press release, revealing a torrent of extremist incitement, notably anti-Semitic and anti-African American content on Telegram, stemming from white supremacist/ Neo-Nazi communications in the wake of the George Floyd murder and the resulting global protests.²³

45. The CSW uncovered encrypted capacity by extremist fringe groups to direct violence, including looting, where police presence is minimal.

46. On June 18, CSW issued a second Telegram related press release demonstrating representational evidence that Telegram served as a communications channel for the Russian government and affiliated Neo-Nazi and white nationalist groups, sowing misinformation and racial division in the United States and Europe to provoke African American-on-Jew violence.²⁴

47. Further on July 30, 2020, Ambassador Ginsberg sent on behalf of CSW a letter to Sundar Pichai, CEO of Google, calling on Google to (temporarily) de-platform the Telegram app

²² Id. [FAQs]

²³ June 03, 2020 – CSW Demands Action Against the TELEGRAM White Nationalist/Anti-Semitic/Anti-Black Riot Incitement App.

²⁴ June 18, 2020 – TELEGRAM App is the Misinformation “Super Spreader” to Foment U.S. Racial Division & Violence.

1 from Google's Play Store, reiterating the seriousness of Telegram's role in inciting extremist
2 violence.²⁵ See Exhibit "B"

3 48. Telegram is currently the most utilized messaging app among extremists who are
4 promoting violence in the United States. Telegram has been deemed "extremists' app of choice"
5 by POLITICO.²⁶

6 49. For years, anti-black and anti-Semitic groups have openly utilized Telegram with
7 little or no content moderation by Telegram's management. Despite warnings from CSW and other
8 organizations, extensive media coverage, legal warnings, and other attention that Google is
9 providing an online social media platform and communication service to hate groups, Google has
10 not taken any action against Telegram comparable to the action it has taken against Parler to
11 compel Telegram to improve its content moderation policies.

12 50. Speech that carries a credible threat of violence against a person or a group based
13 on race or religion is a criminal offense in California. See California Penal Code § 422.6.

14 51. Telegram promotes extremist conduct in violation of both state and federal law.

15 52. Telegram currently serves as the preferred Neo-Nazi/white nationalist
16 communications channel, fanning anti-Semitic and anti-black incitement during the current wave
17 of protests across America.

18 53. Telegram continues to enable extremist incitement in its platform, promoting
19 political violence as extremist groups and individuals migrate to Telegram following Google
20 Play's suspension of Parler.

21 54. Telegram has and continues to be used as a channel to cultivate and maintain an
22 image of brutality and to instill great fear and intimidation by disseminating videos and images of
23 numerous threats to kill, images depicting and encouraging racist and anti-semitic violence, and
24 dehumanizing certain groups of people.

25 ²⁵ June 24, 2020 – TELEGRAM APP'S ROLE INCITING EXTREMIST VIOLENCE

26 ²⁶ Alexandra S. Levine, "Telegram Surfaces as Preferred app of Extremist Rioters," Politico
27 (June 4, 2020), [https://www.politico.com/newsletters/morning-tech/2020/06/04/telegram-](https://www.politico.com/newsletters/morning-tech/2020/06/04/telegram-surfaces-as-preferred-app-of-extremist-rioters-788230)
28 [surfaces-as-preferred-app-of-extremist-rioters-788230](https://www.politico.com/newsletters/morning-tech/2020/06/04/telegram-surfaces-as-preferred-app-of-extremist-rioters-788230)

55. In the wake of the murder of George Floyd, these abhorrent postings inciting and encouraging violence have become more frequent, explicitly threatening people of color and Jewish people.

56. On September 28, 2020, a telegram user under the account name “N**** and Heeb Crime Report” posted a photo of a woman holding a sign that reads “Kill Black People.”



57. The same account also posted the below image of a well-known climate change activist photoshopped to appear to be holding a sign that reads “Kill all n***** for climate.”

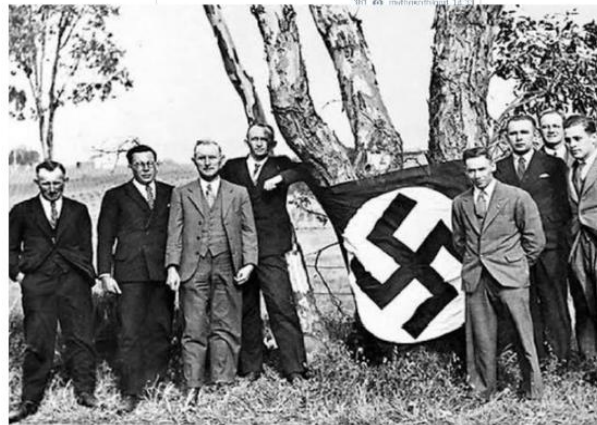
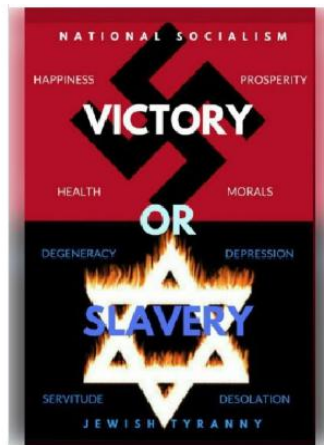


58. Further, the same account posted an image (inserted below) depicting a white man next to a dead and dismembered African American person with a caption that reads “The only thing n***** understand are pain and fear.”



59. In addition to racist posts encouraging and violence against African American people, there are also anti-Semitic posts used to threaten and promote violence against people of the Jewish faith.

60. Below are some examples of anti-Semitic postings encouraging and, in some cases, directly threatening violence against Jews:



We will finish what you started.



61. Telegram further engaged in the facilitation of anti-Semitic and anti-black extremism and violence during the Black Lives Matter (“BLM”) protests throughout the summer of 2020.

1 62. Telegram has been used to cultivate and maintain an image of brutality, to instill
2 great fear and intimidation by posting images and videos encouraging racist and anti-Semitic
3 killings.

4 63. Telegram's media platform and services provide tremendous utility and value to
5 racist and anti-Semitic groups as a tool to connect its members and to facilitate these group's ability
6 to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.

7 64. These have groups relied on Telegram as an essential tool to facilitate and carry out
8 their terrorist activity, including the United States Capital attack on January 6, 2021.

9 65. Telegram was used to coordinate and incite extreme violence before the
10 inauguration of President-Elect Joe Biden on January 17, 2021. Some users called on followers to
11 abandon plans for a second protest in Washington in favor of surprise attacks nationwide.²⁷

12 66. One Telegram message on a far-right channel called "Boogaloo Intel Drop" told
13 followers to "get a feel for your local area and get your friends together." The message encouraged
14 other Telegram users to find others who are outraged about the death of Ashli Babbitt, who was
15 shot by a police officer while storming the Capitol. The posting further read: "No, we're not going
16 to tell you 'show up on XX day and do XX,' which would risk alerting authorities," the message
17 continues, advising followers to "have some damn ingenuity and autonomy."²⁸

18 67. The following image contains a caption that reads: "When democracy is destroyed:
19 refuse to be silenced; armed march on Capitol Hill & all state capitals. January 17th, 2021 @
20 12:00pm"

26 ²⁷ [https://www.washingtonpost.com/national-security/far-right-violent-plans-](https://www.washingtonpost.com/national-security/far-right-violent-plans-inauguration/2021/01/14/15668f16-567d-11eb-a817-e5e7f8a406d6_story.html)
27 [inauguration/2021/01/14/15668f16-567d-11eb-a817-e5e7f8a406d6_story.html](https://www.washingtonpost.com/national-security/far-right-violent-plans-inauguration/2021/01/14/15668f16-567d-11eb-a817-e5e7f8a406d6_story.html)

28 ²⁸ Id.



68. In this case, Telegram is being used to threaten the United States Government specifically.

69. In addition to postings to incite violence and spread hate, Telegram also serves as a platform to purchase and sell illegal substances.

70. Below is a posting offering for sale and prices of illegal and controlled substances such as LSD, acid, and cocaine pills.

25) 1 sheet LSD containing 100 sheets
100ug for \$175
200ug for \$220
300ug for \$280

26) ecstasy
\$8 per pill minimum order is 50 pills

27) molly
1/100 per gram minimum order is 3g

28) Zopiclone 10mg 1k 4480

Get the best deals PBO drugs for sale

1) subutex 2mg (sublingual tabs)
30 tabs \$110
90 tabs \$300

2) Risperidone 30mg (PHYSICIANS TC) 100 tabs \$200
Risperidone 30mg (PHYSICIANS TC)
120 tabs \$230

4) RITALIN 10mg 100 pill \$115
RITALIN 10mg 200 pill \$215

5) Ketamine (Ketamine Hydrochloride) - Inhal 100mg/ml
Sedation 10ml vial STD

6) Ketalar 50mg/ml 10ml, Injection \$45

7) Demerol 50mg/ml 30ml ampul \$42

8) Dilaudid 2mg/100 tabs \$115
DILAUDID 2mg/100 tabs \$128
DILAUDID 2mg/100 tabs \$197

8) SOMA - generic - 350mg 30 tabs 67usd

1 71. Telegram, as a platform, is continuing to grow. As of January 12, 2020, at 12:20,
2 Telegram surpassed 500 million active users. In the past 72 hours alone, more than 25 million new
3 users worldwide joined Telegram.²⁹

4 **FIRST CAUSE OF ACTION**
5 **Negligent Infliction of Emotional Distress**

6 72. The allegations set forth in all previous paragraphs of the complaint are
7 incorporated by reference as if fully set forth herein.

8 73. ~~Defendant~~ Because Ambassador Ginsberg purchased Apple's iPhone, Google owes
9 a duty of reasonable care to ensure that their services are not used as a means to inflict religious
10 and racial intimidation.

11 74. Defendant currently offers the Telegram app on the Google Play Store.

12 75. Telegram hosts many users who openly identify as Neo-Nazis and White
13 Supremacists.

14 76. The Telegram app has been used on numerous occasions by White Supremacists
15 and Neo-Nazis to plan, incite and implement anti-Semitic terror plots.

16 77. Neo-Nazi and White Supremacists used the Telegram app to coordinate a campaign
17 to spread misinformation during the summer 2020 Black Lives Matter protests. The goal of this
18 misinformation campaign was to foment African American on Jewish violence.

19 78. Because Android devices some of the most popular brands of smartphones in the
20 world, it is reasonable to infer that a substantial number of individuals that used the Telegram app
21 to foment racial terror did so by downloading the app from the Google Play Store.

22 79. Telegram has become so well known as a source of racial terror plots that the app
23 is often referred to as "Terrorgram." Because of this high level of notoriety, Defendant Google
24 knew or should have known their Google Play Store was being used to download the Telegram
25 app for terroristic purposes.

26
27
28 ²⁹ Posting showing user stats, <https://t.me/OhioProudBoys/864>

1 80. Defendant breached their duty by continuing to host Telegram on the Google Play
2 Store despite Defendant's knowledge that Telegram was being used to incite violence, including
3 violence against African Americans and Jews.

4 81. Ambassador Ginsberg is a Jewish person whose professional work requires him to
5 maintain a presence in the public eye.

6 82. Ambassador Ginsburg is aware that Telegram is used to incite violence and was
7 terrified for his safety during the Capitol riots of January 2021.

8 83. ~~82.~~ As a result of this Anti-Semitic campaign coordinated on the Telegram app,
9 Ambassador Ginsberg is forced to live in apprehension of religiously motivated violence being
10 perpetrated against him.

11 84. ~~83.~~ Ambassador Ginsberg's fear of religious violence has caused him substantial
12 emotional harm, including depression and anxiety.

13 85. ~~84.~~ Despite having an awareness of the racial and religious incitement planned,
14 coordinated, and implemented through Telegram, Defendant continues to host Telegram on the
15 Google Play Store.

16 86. ~~85.~~ By continuing to host Telegram on the Google Play Store, Defendant facilitates
17 religious threats against him and his family that ~~has~~have caused Ambassador Ginsberg to fear for
18 his life.

19 87. ~~86.~~ It was foreseeable to Google that by allowing Telegram to continue to be
20 available on the Google Play Store, Google's conduct could lead to fear of violence by individuals,
21 such as Ambassador Ginsberg.

22 88. ~~87.~~ By failing to remove Telegram from the Google Play Store, Defendant has
23 proximately caused Ambassador Ginsberg's emotional distress.

24 89. ~~88.~~ Plaintiff Ambassador Ginsberg has suffered injuries in an amount that exceeds
25 \$75,000.

SECOND CAUSE OF ACTION
(Violation of the “Unfair” Prong of the UCL, California Business and Professions Code § 17200 et seq.)

90. ~~89.~~ The allegations set forth in all previous paragraphs of the complaint are incorporated by reference as if fully set forth herein.

91. ~~90.~~ The UCL defines unfair business competition to include any “unlawful, unfair or fraudulent” act or practice, as well as any “unfair, deceptive, untrue or misleading” advertising. Cal. Bus. & Prof. Code § 17200.

92. ~~91.~~ A business act or practice is “unfair” under the UCL if the reasons, justifications, and motives of the alleged wrongdoer are outweighed by the gravity of the harm to the alleged victims.

93. ~~92.~~ Defendant’s App developer guidelines forbid the following content from the Google Play Store:³⁰

- **Hate Speech:** We don’t allow apps that promote violence, or incite hatred against individuals or groups based on race or ethnic origin, religion, disability, age, nationality, veteran status, sexual orientation, gender, gender identity, or any other characteristic that is associated with systemic discrimination or marginalization. Apps which contain EDSA (Educational, Documentary, Scientific, or Artistic) content related to Nazis may be blocked in certain countries, in accordance with local laws and regulations.
 - Here are examples of common violations: Content or speech asserting that a protected group is inhuman, inferior or worthy of being hated.
 - Apps that contain hateful slurs, stereotypes, or theories about a protected group possessing negative characteristics (e.g. malicious, corrupt, evil, etc.), or explicitly or implicitly claims the group is a threat.
- Content or speech trying to encourage others to believe that people should be hated or discriminated against because they are a member of a protected group.
- Content which promotes hate symbols such as flags, symbols, insignias, paraphernalia or behaviors associated with hate groups.
- **Violence:** We don’t allow apps that depict or facilitate gratuitous violence or other dangerous activities. Apps that depict fictional violence in the context of a game, such as cartoons, hunting or fishing, are generally allowed.
 - Here are some examples of common violations:
 - Graphic depictions or descriptions of realistic violence or violent threats to any person or animal.
- **Terrorist Content:** We do not permit terrorist organizations to publish apps on Google Play for any purpose, including recruitment. We don’t allow apps with content related to terrorism, such as content that promotes terrorist acts, incites violence, or celebrates terrorist attacks. If posting content related to terrorism for an educational, documentary,

³⁰ See Exhibit “A”

scientific, or artistic purpose, be mindful to provide enough information so users understand the context.

- **Marijuana:** We don't allow apps that facilitate the sale of marijuana or marijuana products, regardless of legality.
 - Here are some examples of common violations:
 - Allowing users to order marijuana through an in-app shopping cart feature.
 - Assisting users in arranging delivery or pick up of marijuana.
 - Facilitating the sale of products containing THC (Tetrahydrocannabinol), including products such as CBD oils containing THC.

94. ~~93.~~ Google's guidelines on User Generated Content are as follows:³¹

- User-generated content (UGC) is content that users contribute to an app, and which is visible to or accessible by at least a subset of the app's users. Apps that contain or feature UGC must:
 - require that users accept the app's terms of use and/or user policy before users can create or upload UGC;
 - define objectionable content and behaviors (in a way that complies with Play's Developer Program Policies), and prohibit them in the app's terms of use or user policies;
 - implement robust, effective and ongoing UGC moderation, as is reasonable and consistent with the type of UGC hosted by the app
 - In the case of live-streaming apps, objectionable UGC must be removed as close to real-time as reasonably possible;
 - provide a user-friendly, in-app system for reporting objectionable UGC and take action against that UGC where appropriate;
 - remove or block abusive users who violate the app's terms of use and/or user policy;
 - provide safeguards to prevent in-app monetization from encouraging objectionable user behavior.
- Apps whose primary purpose is featuring objectionable UGC will be removed from Google Play. Similarly, apps that end up being used primarily for hosting objectionable UGC, or that develop a reputation among users of being a place where such content thrives, will also be removed from Google Play.

95. ~~94.~~ Thus, Defendant has full managerial discretion to remove apps that violate the aforementioned guidelines. Furthermore, Google represents that apps in the App Store *must* include the above functionality.

96. ~~95.~~ In the past, Google Play has removed applications such as Parler from the Google Play Store for violating these guidelines.

97. ~~96.~~ Telegram users have repeatedly and systematically utilized the platform to violate Defendant's app developer guidelines since Telegram's launch in 2013. Such violations include, but are not limited to:

³¹ Exhibit "C"

- Generating and distributing content expressing degradation and hatred of various racial and religious groups, particularly African Americans and Jewish people.
- Generating and distributing content that contains explicit exhortations to commit violence against various racial and religious groups, particularly African Americans and Jewish people.
- Planning and recruiting participants for acts of racial and religious based terrorism.
- Planning and recruiting participants in terrorist operations aimed at undermining the institution of United States elections and overturning the results of the 2020 United States Presidential election.
- Providing logistical support for participants of acts of terrorism.

98. ~~97.~~ The developers of Telegram have not undertaken any meaningful actions to curb these flagrant, systematic, and continuous violations of Defendant's app guidelines by Telegram users.

99. ~~98.~~ The aforementioned violations of Defendant's app guidelines are well known and have been widely reported by international media outlets since 2013. Defendant is therefore aware of Telegram's breaches of their app guidelines.

100. ~~99.~~ Despite having an awareness of Telegram's violations of the Google app guidelines, Defendant has not removed Telegram from the Google Play Store, nor has it undertaken any action to compel Telegram to come into compliance with the app guidelines.

101. ~~100.~~ Defendant directly benefits from Telegram through information sharing agreements, advertising revenue, and sales of devices to run Telegram.

102. ~~101.~~ Ambassador Ginsberg purchased and uses a Samsung Galaxy Express for personal and professional purposes related to his work for CSW. Ambassador Ginsberg is to be reimbursed for all phone and data costs associated with his work with CSW.

103. ~~102.~~ Ambassador Ginsberg premised his purchase and use of a Samsung Galaxy Express for personal and CSW purposes on an expectation that Defendant would enforce their app guidelines. A portion of the cost of the Samsung Galaxy Express was related to the benefits provided under the terms of service and policies of Google.

104. At the time Ambassador Ginsberg purchased the Samsung Galaxy Express, he was unaware of the relationship between Telegram and Google and was unaware that Google was allowing Telegram to be present on the Play Store despite not complying with Google's terms of service and policies.

1 105. ~~103.~~ Defendant has violated the “unfair” prong of the UCL by not following their
2 own policies and allowing Telegram to be downloaded despite the aforementioned violations of
3 Google’s guidelines.

4 106. ~~104.~~ These acts and practices were unfair because they caused Ambassador
5 Ginsberg to falsely believe that Google would comply with its own policies and terms of service.
6 As a result, reasonable consumers, including Ambassador Ginsberg, were induced, in part, to
7 purchase Google’s products believing that Google would not allow Telegram on the Google Play
8 Store once becoming aware of the extent of Telegram’s use violating Google’s policies and
9 guidelines.

10 107. ~~105.~~ Defendant’s failure to enforce their own guidelines against Telegram has
11 caused Ambassador Ginsberg and CSW to suffer economic loss by being deprived of a key benefit
12 of the purchase and use of the Samsung Galaxy Express.

13 108. Part of the cost associated with Plaintiffs’ transaction was related to the benefits
14 promised under Defendant’s terms of service and policies. Because Plaintiffs paid for the Samsung
15 Galaxy Express, they have suffered an actual loss of money in not receiving benefits Plaintiffs
16 paid for.

17 109. ~~106.~~ The gravity of the harm to Ambassador Ginsberg and members of the public
18 resulting from these unfair acts and practices outweighed any conceivable reasons, justifications,
19 and/or motives of Google for engaging in such unfair acts and practices. By committing the acts
20 and practices alleged above, Google engaged in unfair business practices within the meaning of
21 California Business & Professions Code §§ 17200, *et seq.*

22 110. ~~107.~~ Plaintiffs therefore seek injunctive relief pursuant to California Business and
23 Professions Code § 17203 to enjoin Defendant Google to comply with its own policies and
24 guidelines requiring Telegram to cease and desist violations or remove Telegram from the Google
25 Play Store.

26 111. ~~108.~~ Furthermore, through its unfair acts and practices, Defendant has improperly
27 obtained money from Ambassador Ginsberg. As such, Plaintiff requests that this Court enjoin
28 Defendants from continuing to violate the UCL as discussed herein and/or from violating the UCL

1 in the future. Otherwise, Ambassador Ginsberg and members of the general public may be
2 irreparably harmed and/or denied an effective and complete remedy if such an order is not granted.

3 **THIRD CAUSE OF ACTION**
4 **(Violation of the “Unlawful” Prong of the UCL, California Business and**
5 **Professions Code § 17200 et seq.)**

6 112. ~~109.~~ The allegations set forth in all previous paragraphs of the complaint are
7 incorporated by reference as if fully set forth herein.

8 113. ~~110.~~ The UCL defines unfair business competition to include any “unlawful, unfair
9 or fraudulent” act or practice, as well as any “unfair, deceptive, untrue or misleading” advertising.
10 Cal. Bus. & Prof. Code § 17200.

11 114. ~~111.~~ A business act or practice is “unlawful” under the UCL if it violates any other
12 law or regulation.

13 115. ~~112.~~ California Penal Code § 422.6 states:

14 No person, whether or not acting under color of law, shall by force or threat of force,
15 willfully injure, intimidate, interfere with, oppress, or threaten any other person in
16 the free exercise or enjoyment of any right or privilege secured to him or her by the
Constitution or laws of this state or by the Constitution or laws of the United States
[on basis of any recognized protected class such as race or religion].

17 116. ~~113.~~ Users of Telegram have repeatedly and consistently used the app to plan and
18 format racially motivated terrorist plots.

19 117. ~~114.~~ Many of the Telegram users who have used the app for terroristic
20 purposes have downloaded the app on the Google Play Store so that they may violate California
21 Penal Code § 422.6.

22 118. ~~115.~~ Google is aware that a substantial number of Telegram users use the
23 application in violation of California Penal Code § 422.6.

24 119. ~~116.~~ Despite knowing that Telegram is being used to commit criminal acts, Google
25 continues to allow Telegram to be downloaded from the Google Play Store. Thus, Google’s
26 conduct aids and abets the commission of criminal acts and is itself a violation of California Penal
27 Code § 31 and is a violation of the “unlawful” prong of the UCL.

120. Ambassador Ginsberg and CSW have suffered economic harm as a result of Google's activities as discussed above in Count II of the complaint.

121. ~~117.~~ Because of its unlawful acts and practices, Plaintiff requests that this Court enjoin Defendants from continuing to violate the UCL as discussed herein and/or from violating the UCL in the future. Otherwise, Ambassador Ginsberg and members of the general public may be irreparably harmed and/or denied an effective and complete remedy if such an order is not granted.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(a) Enter judgment against Defendants and in favor of each Plaintiff for compensatory damages in amounts to be determined at trial.

(b) Enter judgment against Defendants and in favor of each Plaintiff for an injunction prohibiting the availability of Telegram through the Google Play Store unless Telegram complies with Google's policies and guidelines.

(c) Enter judgment against Defendants and in favor of each Plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees.

(d) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully Submitted,

Dated: ~~January 25~~June 8, 2021
Farmington Hills, MI

~~Lento Law Group P.C.~~
The Law Office of Keith Altman

By: /s/ Keith Altman

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Summary report: Litera® Change-Pro for Word 10.7.0.7 Document comparison done on 6/16/2021 7:40:22 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: Ginsberg - Original Complaint_Working.docx	
Modified filename: Ginsberg - Amended Complaint_Working.docx	
Changes:	
<u>Add</u>	74
Delete	57
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
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